

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

WILLIE ELBERT,

Plaintiff,

v.

Case No. 8:23-cv-0550-AEP

KILOLO KIJAKAZI,
Acting Commissioner of
Social Security Administration,

Defendant.

_____ /

ORDER¹

This cause comes before the Court upon Defendant's ("Commissioner") Unopposed Amended Motion for Entry of Judgment with Remand (Doc. 21). The Commissioner contends that remand is appropriate under sentence six of 42 U.S.C. § 405(g) and § 205(g). Plaintiff does not object to the relief requested.

Sentence six of § 405(g) provides that the court may "on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand the case to the Commissioner of Social Security for further action by the Commissioner of Social Security." 42 U.S.C. § 405(g). The court finds good cause to remand this case to the

¹ The parties consented to having a United States Magistrate Judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings (Doc. 12).

Commissioner for further proceedings and the Commissioner has not yet filed an answer.

Accordingly, for the reasons stated in the Commissioner's motion, it is hereby

ORDERED:

1. The Commissioner's Unopposed Amended Motion for Entry of Judgment with Remand (Doc. 21) is GRANTED.

2. The decision of the Commissioner is REMANDED to the Commissioner pursuant to sentence six of 42 U.S.C. § 405(g) for further proceedings consistent with this order and the Commissioner's Motion (Doc. 21).

3. The Clerk is directed to administratively close this case pending resolution of the proceedings on remand.

4. The court shall retain jurisdiction over this matter for further proceedings, should they be deemed necessary by either party. In the event this matter is resolved by final decision or agreement of the parties, the parties shall notify the court by filing a status report within fifteen (15) days of the final disposition.

DONE AND ORDERED in Tampa, Florida, this 13th day of September, 2023.



ANTHONY E. PORCELLI
United States Magistrate Judge

cc: Counsel of Record